

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FRANK W. RICHARDSON	§	
v.	§	CIVIL ACTION NO. 6:07cv344
DIRECTOR, TDCJ-CID	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Petitioner Frank Richardson, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Richardson was convicted of aggravated assault with a deadly weapon, receiving a sentence of 40 years in prison. In his federal petition, he alleged prosecutorial misconduct, improper cumulation of his sentence, and ineffective assistance of counsel.

The Magistrate Judge ordered the Respondent to answer the petition, and Richardson filed a reply to the answer. The Magistrate Judge also received copies of the state court records. After review of the pleadings, the Magistrate Judge issued a Report on May 13, 2008, recommending that the petition be denied. Richardson filed a motion for extension of time in which to file objections, and was granted an extension until June 30, 2008; however, he has filed no objections to the Magistrate Judge's Report despite having had ample time in which to do so. Accordingly, Richardson is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-

to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Magistrate Judge's Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is DISMISSED with prejudice. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**SIGNED this 15th day of August, 2008.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE